




KANSAS DEPARTMENT OF CORRECTIONS

	INTERNAL MANAGEMENT POLICY AND PROCEDURE	SECTION NUMBER 12-128	PAGE NUMBER 1 of 4
		SUBJECT: SECURITY AND CONTROL: Provision and Use of State Issue and Inmate Owned Fans	
Approved By:  Secretary of Corrections		Original Date Issued:	04-15-92
		Current Amendment Effective:	09-01-04
		Replaces Amendment Issued:	11-07-02
Reissued By:  Policy & Procedure Coordinator		The substantive content of this IMPP has been reissued as per the appropriate provisions of IMPP 01-101. The only modifications within the reissue of this document concern technical revisions of a non substantive nature. Date Reissued:	
		09-30-10	

POLICY

Except as required for safety and/or security considerations, inmates housed in facilities with or without appropriate circulation or air-handling systems shall be permitted to have an electric fan in their cell/bunk-area. Such fans shall be purchased with Inmate Benefit Fund monies for indigent inmates housed in facilities without appropriate circulation or air-handling systems or, at the discretion of non-indigent inmates, may be purchased by the inmate through the facility's canteen.

DEFINITIONS

Indigent: An inmate whose inmate bank account during the previous month has a cumulative spendable amount of less than \$12.00. The cumulative spendable amount shall be determined by adding all deposits made during the month to the beginning account balance and subtracting fines, fees, restitution, garnishments, forced savings, and payments or encumbrances for court filing fees applied during the month. Amounts voluntarily withdrawn from the inmate's account shall not be subtracted from the sum of the beginning balance and deposits.

PROCEDURES

I. Exceptions

- A. Inmate living units which have appropriate circulation or air-handling systems in place shall be exempt from the provisions of this document which require that a State owned fan be provided.
 1. Those inmate living units are:
 - a. El Dorado Correctional Facility
 - (1) Central Unit – A, B, C, D, and E Cell Houses only
 - (2) North Unit
 - b. Wichita Work Release Facility
 - c. Topeka Correctional Facility
 - d. Norton Correctional Facility

- (1) East Unit
 - e. Hutchinson Correctional Facility
 - (1) Central Unit - E Dormitory and D3
 - f. Larned Correctional Mental Health Facility
 - g. Winfield Correctional Facility
 - (1) Living Unit C
 - h. Any other inmate living unit designated by memorandum by the Deputy Secretary of Facility Management in consultation with the Correctional Manager - Capital Improvements and Facility Maintenance.
- 2. Inmates housed in the above exempted living units may possess personal fans but the facility shall have no obligation to provide fans for indigent inmates housed in such units.
- B. Individual state fans shall not be provided to indigent inmates in segregation status, nor shall non-indigent inmates be permitted to possess their personal fans if the following conditions apply (ACI 3-4249):
 - 1. The inmate is found guilty of K.A.R. 44-12-208 involving misuse of a state fan and is serving disciplinary segregation for that violation.
 - 2. The inmate is in any form of administrative segregation and there is documentation that the possession of a fan poses an immediate threat to the well being of the inmate or safety of other staff or inmates.
 - 3. In such cases, a sufficient number of floor/pedestal fans shall be placed in the segregation areas to provide an appropriate level of air movement into the cells.
- C. Fans shall not be provided to indigent inmates housed in an infirmary, nor shall personally owned fans be permitted, when the following conditions exist:
 - 1. The unit in which the infirmary is located has an appropriate circulation or air-handling system.
 - 2. The health authority has determined that the possession of a fan poses an immediate threat to the well-being of the inmate or safety of other inmates or staff.
- D. If/when an indigent inmate who has been provided a fan is moved or transferred from a living unit where a state-owned fan is permitted to a living unit where a state owned fan is not permitted, the inmate shall surrender the state-owned fan for re-issue.

II. Implementation

- A. Purchase/Ownership of Fans.
 - 1. With the exception of those living units identified in Section I., each facility shall purchase with Inmate Benefit Fund monies a fan for each cell/bunk-area occupied by an indigent inmate.
 - a. Submissions of requests and reviews of requests for Department of Corrections Inmate Benefit Funds shall follow the procedures contained in IMPP 04-104.

2. Inmates who are non-indigent may, at their choosing, elect to purchase a personal fan.
3. Inmates wishing to possess a personal fan shall purchase those fans through the facility's canteen.
 - a. Fans sold to inmates through the facility's canteen shall not be required to meet the same blade size specifications for individual fans issued by the facility, but rather shall meet those specifications set forth within appropriate provisions of IMPP 12-120 as they pertain to such items of personal property.
 - b. If/when it becomes necessary for a personal fan purchased after the effective date of this policy to be removed from the facility, the removal procedures specified in IMPP 12-120, Control of Inmate Personal Property, shall apply.
 - (1) The cost of shipping shall, generally, be borne by the inmate.
4. Inmates electing to possess a personal fan shall not have a State provided fan made available to them should they become indigent at a later date.

B. Placement of Inmate Benefit Fund Purchased Fans and Inmate Responsibility.

1. Individual fans purchased with Inmate Benefit Fund monies for indigent inmates shall be considered assigned to a particular indigent inmate.
2. At such time as an inmate's cell/bunk-area changes, the fan assigned to the inmate shall be moved with him or her.
 - a. Whenever an indigent inmate is moved out of or into a cell/bunk-area, the condition of the fan assigned to the inmate shall be checked for damage by the Unit Team Manager or designee.
3. Indigent inmates shall be responsible for all damages to the fan in their assigned cell/bunk-area except for normal wear and tear.
 - a. Intentional or wanton damage to a fan assigned to an indigent inmate shall be cause for disciplinary action pursuant to K.A.R. 44-12-208.
 - b. If found guilty of K.A.R. 44-12-208, in which a fan was involved, the penalty shall include, but need not be limited to, a fine or restitution in the amount equal to the full purchase price of a new fan.
 - (1) A new fan shall not be provided for such inmates until such time as restitution or fine in the amount equal to the full purchase price of the fan is paid.
 - c. If found guilty of K.A.R. 44-12-208 in which a fan is involved, the disciplinary board or hearing officer, subject to approval of the warden, may suspend fan privileges for a specified period of time as a part of the disciplinary sentence.

C. Engraving/Marking, Inventorying, and Registration of Fans.

1. All Inmate Benefit Fund purchased fans assigned to indigent inmates shall be engraved/marked as State property and in a manner, which facilitates appropriate record keeping of each fan's assignment location.

- a. State property shall be inventoried in accordance with K.S.A. 75-3729.
2. Inmate personal fans shall be marked and registered in accordance with procedures established in IMPP 12-120, Control of Inmate Personal Property.
3. Tampering with or altering a fan's identification marking shall be considered a violation of K.A.R. 44-12-208.

NOTE: The policy and procedures set forth herein are intended to establish directives and guidelines for staff and offenders and those entities who are contractually bound to adhere to them. They are not intended to establish State created liberty interests for employees or offenders, or an independent duty owed by the Department of Corrections to either employees, offenders, or third parties. Similarly, those references to the standards of various accrediting entities as may be contained within this document are included solely to manifest the commonality of purpose and direction as shared by the content of the document and the content of the referenced standards. Any such references within this document neither imply accredited status by a Departmental facility or organizational unit, nor indicate compliance with the standards so cited. The policy and procedures contained within this document are intended to be compliant with all applicable statutes and/or regulatory requirements of the Federal Government and the state of Kansas. This policy and procedure is not intended to establish or create new constitutional rights or to enlarge or expand upon existing constitutional rights or duties.

REPORTS REQUIRED

None.

REFERENCES

K.S.A. 75-3728e, 75-3729, 75-5210(a)
K.A.R. 44-12-208, 44-14-101(b)
IMPP 04-104, 12-120
ACI 3-4249

ATTACHMENTS

None.